

Amendments to Senate Bill No. 192
1st Reading CopyEXHIBIT NO. 2
DATE 2-4-09
BILL NO. SB192

Requested by Senator Ryan Zinke

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
February 3, 2009 (4:44pm)

1. Title, page 1, line 4.

Strike: "EQUAL"**Insert:** "AN"

2. Title, page 1, line 5.

Strike: "UNDER"**Insert:** "BY ALLOWING POOLED RISK SAFETY GROUPS IN"

3. Title, page 1, line 6 through line 8.

Strike: "RELIEF" on line 6**Insert:** "AN OPPORTUNITY FOR A RETURN ON PREMIUM BASED ON REDUCED
LOSSES"**Following:** "THAT" on line 6**Strike:** "IMPLEMENT" on line 6 through "THAT" on line 8

4. Title, page 1, line 9 through line 10.

Strike: "SECTIONS"**Insert:** "SECTION"**Strike:** "39-71-2315 " on line 9 through "39-71-2330," on line 10**Strike:** "A TERMINATION"**Insert:** "AN APPLICABILITY"

5. Page 1, line 20.

Following: "businesses"**Insert:** "; and

WHEREAS, the opportunity to pool risk in a group that has made a commitment to safety yields the potential to benefit small businesses by reducing losses and possibly generating a return on premium"

6. Page 1, line 24 through page 2, line 30.

Strike: section 1 through section 2 in their entirety**Insert:** "NEW SECTION. Section 1. Workplace safety program.

(1) An employer that is not eligible for the tier with the lowest-rated premium for workers' compensation purposes is eligible to join a state fund pooled risk safety group, as provided in [section 2], if the employer:

(a) adopts and maintains a written, comprehensive workplace

safety program that has been in place for more than 1 year and that meets the criteria established by rule implementing Title 39, chapter 71, part 15.

(b) adopts transitional and return-to-work programs;

(c) has at least 3 years of experience without losses;

(d) uses available safety consultation services or programs offered by the department or the state fund. Safety consultation may be provided to individual employers or to groups. The department and the state fund shall notify each employer in a group, as provided in [section 2], regarding the availability of safety and return-to-work resources.

(e) complies with the terms and conditions of the state fund pooled risk safety group as provided in [section 2].

(2) The state fund, in coordination with the department, shall develop guidelines for and maintain a workplace safety program and a transitional and return-to-work program."

Insert: "NEW SECTION. Section 2. Pooled risk safety group.

(1) The state fund may establish one or more groups of individual policies in a pooled risk safety group to promote safety as a way to reduce losses among members of the pooled risk safety group.

(2) Each member of a pooled risk safety group must be eligible as provided in [section 1] and must have an individual workers' compensation plan No. 3 policy. An individual policy may be included in only one group.

(3) The state fund shall annually establish the terms and conditions of the plan that defines the requirements of participation for a pooled risk safety group. The plan must include the criteria to be eligible for an aggregate return of premium and a method for apportioning the return of premium among members of the group.

(4) The aggregate record of the individual members of the pooled risk safety group is the basis for determining if the members of the pooled risk safety group qualify for a return on premiums."

7. Page 3, line 6.

Strike: "[Subject]" through "premium"

Insert: "Premium"

8. Page 3, line 12.

Strike: "of 20" through "rating"

Insert: "that are not eligible for the tier with the lowest-rated premium for workers' compensation purposes"

9. Page 3, line 15 through line 16.

Strike: "and recognizing" on line 15 through "injury" on line 16

10. Page 3, line 17 through line 18.

Strike: "and may" on line 17 through "promotions" on line 18

11. Page 3, line 23 through page 7, line 4.
Strike: section 4 through section 7 in their entirety
Renumber: subsequent sections

12. Page 7, line 10.
Following: "date"
Insert: "-- applicability"
Following: "2009"
Insert: ", and applies to groups formed on or after July 1, 2010"

13. Page 7, line 12 through line 13.
Strike: section 10 in its entirety

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